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ACTION DLOS-05

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DOT-00 EB-07 EPA-01 ERDA-05 FMC-01 H-02 INR-07

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NSRDC BETHESDA MARYLAND

NUSC NEWPORT RHODE ISLAND

C O N F I D E N T I A L SECTION 1 OF 2 NASSAU 447

E. O. 11652: GDS

TAGS: PLOS MARR BF

SUBJ: FACILITIES NEGOTIATIONS: CONTINGENCY PLANNING FOR INCLUSION OF EXUMA SOUND ACOUSTIC RESEARCH PROGRAM

SUMMARY: THE US NAVY REGULARLY CONDUCTS SUBMARINE ACOUSTIC TRIALS IN THE WATERS OF EXUMA SOUND. THESE OPERATIONS, BY VIRTUE OF BEING IN INTERNATIONAL WATERS, ARE NOT COVERED BY GOVERNMENT-TO-GOVERNMENT AGREEMENT NOR ARE THEY INCLUDED IN THE DRAFT FACILITIES AGREEMENT TABLED WITH THE GCOB. SHOULD THE CURRENT LOS NEGOTIATIONS RESULT IN INTERNATIONAL ACCEPTANCE OF AN ARCHIPELAGIC PRINCIPLE APPLICABLE TO THE BAHAMAS, HOWEVER, THE US NAVY'S OPERATIONS IN EXUMA SOUND WILL NO LONGER BE IN INTERNATIONAL WATERS AND THUS WILL BE AFFECTED. EMBASSY BELIEVES IT IS NOT TOO EARLY TO RAISE THIS QUESTION AND TO PREPARE CONTINGENCY COURSES OF ACTION TO ADDRESS IT. END

SUMMARY

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1. SINCE THE EARLY 60'S THE US NAVY'S NAVAL SHIPS RESEARCH AND DEVELOPMENT CENTER (NSRDC) HAS REGULARLY CONDUCTED SUBMARINE ACOUSTICAL EVALUATIONS IN THE HIGH SEAS AREA OF EXUMA SOUND. THESE OPERATIONS CONSIST OF OPERATING A TRIAL SUBMARINE IN A SPECIFIED AREA OF EXUMA SOUND WHILE A SURFACE SUPPORT CRAFT (MONOB) MOORED TO A US NAVY-OWNED BOUY IMPLANTED IN EXUMA SOUND RECORDS SOUNDS TRANSMITTED BY THE SUBMARINE. BECAUSE THE OPERATIONS ARE CONDUCTED ON THE HIGH SEAS, THEY ARE NOT COVERED BY A GOVERNMENT-TO-GOVERNMENT AGREEMENT NOR HAVE THEY BEEN INCLUDED IN THE DRAFT FACILITIES AGREEMENT TABLED WITH THE GCOB DURING THE NOVEMBER 1973 NEGOTIATING SESSION.

2. SHOULD THE LOS NEGOTIATIONS NOW IN PROGRESS LEAD TO INTERNATIONAL ACCEPTANCE OF THE ARCHIPELAGIC PRINCIPLE, THE HIGH SEAS AREA OF EXUMA SOUND WILL, IF THE US PROPOSAL RECENTLY DISCUSSED WITH GCOB IS AGREED UPON, BE DESIGNATED ALONG WITH OTHER AREAS AS ARCHIPELAGIC WATERS OF THE BAHAMAS. THIS CHANGE OF STATUS OF THE WATERS OF EXUMA SOUND WILL PRECLUDE NAVY'S OPERATIONS THERE UNLESS AN AGREEMENT WITH THE GCOB CAN BE REACHED ALLOWING FOR NAVY'S CONTINUED USE OF EXUMA SOUND.

3. THERE IS YET ANOTHER POSSIBILITY. EVEN IF THE LOS CONFERENCE DOES NOT RESULT IN RECOGNITION OF THE ARCHIPELAGIC PRINCIPLE, ZHE GCOB, WHICH AS MADE RECOGNITION OF THE BAHAMAS AS AN ARCHIPELAGIC STATE ITS PRIORITY FOREIGN POLICY OBJECTIVE, MAY EITHER INCLUDE BILATERAL RECOGNITION OF THE ARCHIPELAGO BY THE US AS PART OF THE QUID IN FACILITIES NEGOTIATIONS OR UNILATERALLY DECLARE THE BAHAMAS AN ARCHIPELAGIC STATE PRIOR TO RESUMING FACILITIES NEGOTIATIONS.

4. IN ANY CASE, THERE HAS NOW DEVELOPED A POSSIBLE LINK BETWEEN THE NAVY'S EXUMA SOUND OPERATIONS AND LOS ARCHIPELAGO DEVELOPMENTS WHICH, IN THE EMBASSY'S VIEW, OUGHT AT LEAST TO BECOME A PART OF THE THINKING THE USG DOES AS IT VIEWS ITS OPERATIONS IN THE BAHAMAS AND AS IT PLANS FOR ASSURING THE CONTINUATION OF THOSE OPERATIONS IN THE COURSE OF THE NEGOTIATIONS WITH THE GCOB.

5. IN THE DISCUSSION THAT FOLLOWS, THE EMBASSY HAS MADE THREE
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ASSUMPTIONS: (1) THE NAVY WISHES TO CONTINUE ITS OPERATIONS IN EXUMA SOUND FOR THE FORESEEABLE FUTURE, (2) THE MULTILATERAL LOS NEGOTIATIONS WILL PRODUCE AGREEMENT ON ARCHIPELAGIC PRINCIPLES APPLICABLE TO THE BAHAMAS; (3) THE GCOB WILL NOT RESUME FACILITIES AND OPERATING RIGHTS NEGOTIATIONS UNTIL THE RESULTS OF THE LOS CONFERENCE ARE IN AND ASSESSED, AT WHICH TIME ARCHIPELAGIC PRINCIPLES WILL BE A PROMINENT FEATURE OF THE GCOB POSITION.

6. WE DO NOT KNOW THE VIABILITY OF THE FIRST ASSUMPTION AND BELIEVE THE INITIAL TASK IS FOR NAVY IN COORDINATION WITH OTHER INTERESTED WASHINGTON AGENCIES TO DECIDE WHETHER THE INTENT IS TO CONTINUE THE EXUMA SOUND OPERATION, RELOCATE IT PERHAPS TO THE AUTEC RANGE IN THE TONGUE OF THE OCEAN, OR DISCONTINUE THE OPERATION ENTIRELY. (COMMENT: WE HAVE BEEN TOLD BY SOME NAVY REPRESENTATIVES THAT EXUMA SOUND OPERATION COULD PERHAPS BE CONDUCTED IN THE AUTEC RANGE BUT THAT OPERATION WAS ESTABLISHED OFF EXUMA BECAUSE CONDITIONS THERE ARE OPTIMAL.)

7. WITH RESPECT TO THE SECOND ASSUMPTION, THERE ARE ANY NUMBER OF WAYS THE MULTILATERAL LOS NEGOTIATIONS COULD TURN OUT AND, OF COURSE, WE DO NOT EXCLUDE THE POSSIBILITY THAT IF THOSE RESULTS ARE NOT SATISFACTORY TO THE GCOB IT WILL SEEK TO OBTAIN ITS ARCHIPELAGIC OBJECTIVES BILATERALLY. IF THE LATTER COURSE OF ACTION SHOULD BECOME THE ONE PURSUED BY THE GCOB, THE ENTIRE US NEGOTIATING POSITION WILL HAVE TO BE REVIEWED. WE HAVE NOT DISCUSSED THIS CONTINGENCY IN THE MATERIAL THAT FOLLOWS BECAUSE ITS IMPACT DOES NOT FALL SOLELY ON THE EXUMA SOUND OPERATION. IT SHOULD, HOWEVER, BE A PART OF OUR BROADER CONTINGENCY PLAN WITH RESPECT TO THE WHOLE RANGE OF US MILITARY OPERATIONS IN THE BAHAMAS WHICH, WITH THE ALERT PROVIDED WITH THIS MESSAGE, ALSO SHOULD INCLUDE NAVY OPERATIONS IN EXUMA SOUND.

8. WITH RESPECT TO THE THIRD ASSUMPTION, IT MERELY REPRESENTS OUR BEST ESTIMATE AND COULD, OF COURSE, CHANGE. THE INITIATIVE AT PRESENT IS WITH THE GCOB. SHOULD THIS ASSUMPTION PROVE TO BE INCORRECT AND THE GCOB TAKE STEPS TO RESUME NEGOTIATIONS BEFORE THE LOS CONFERENCE RESULTS ARE IN, WE WOULD WANT NONETHELESS TO BE PREPARED AT LEAST ON OUR SIDE

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TO FACTOR IN THE EXUMA SOUND OPERATIONS.
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INFO OCT-01 ARA-06 ISO-00 FEA-01 ACDA-05 AGR-05 AID-05

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9. WITHIN THIS FRAMEWORK AND ON THE BASIS OF THESE ASSUMPTIONS EMBASSY VIEWS OPERATIONS FOR ADDING THE EXUMA SOUND OPERATIONS TO THE NEGOTIATIONS AS FOLLOWS:

OPTION A: CONSIDER THE OPERATIONS CONDUCTED IN EXUMA SOUND AN EXTENSION OF THE AUTECH OPERATIONS CONDUCTED IN THE TONGUE OF THE OCEAN, BY ADDING THE COORDINATES OF THE EXUMA SOUND OPERATING AREA TO THE LIST OF PROPERTIES AND WATER AREA PREVIOUSLY PROVIDED TO THE GCOB WHICH DESCRIBE AUTECH IN THE DRAFT FACILITIES AGREEMENT. (THE EXUMA SOUND OPERATIONS ALREADY HAVE SOME ASSOCIATION WITH AUTECH. THE SURFACE SUPPORT SHIP (MONOB) HAS BEEN DESCRIBED IN PREVIOUS CORRESPONDENCE WITH THE GCOB "AS AN ACOUSTICAL RESEARCH AND TESTING VESSEL OPERATING PURSUANT TO THE AUTECH AGREEMENT." FOR THIS REASON, MONOB, PRIOR TO INDEPENDENCE, WAS GRANTED A THREE YEAR BLANKET CLEARANCE TO MAKE OPERATIONAL AND RECREATIONAL VISITS TO ELEUTHERA, ANDROS, AND NEW PROVIDENCE ISLANDS WHILE CONFIDENTIAL

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CONDUCTING TRIALS IN EXUMA SOUND AND THE TONGUE OF THE OCEAN.)

OPTION B: BECAUSE OF THE BUOY IMPLANTED IN EXUMA SOUND AND THE ACOUSTIC TESTING CONDUCTED IN THAT AREA, TREAT THE EXUMA SOUND OPERATIONS AS A SEPARATE FACILITY AND ADD IT TO THE DRAFT FACILITIES AGREEMENT PREVIOUSLY PROVIDED TO THE GCOB.

OPTION C. TREAT THE EXUMA SOUND OPERATIONS AS A TACIT PART OF THE DRAFT OPERATING RIGHTS AGREEMENT. THIS WOULD REQUIRE NO FURTHER ACTION AT THIS TIME ON OUR PART. HOWEVER, SINCE GCOB HAS INDICATED STRONG RESERVATIONS WITH REGARD TO OUR BROADLY DRAFTED OPERATING RIGHTS PROPOSAL, LATER NEGOTIATIONS ARE LIKELY TO CONSIDER EITHER SPECIFYING OR NARROWING PERMITTED US ACTIVITIES, IN WHICH EVENT EXUMA SOUND WOULD PRESUMABLY ARISE FOR SPECIFIC CONSIDERATION.

10. DISCUSSION OF OPTIONS: THE DRAFT FACILITIES AGREEMENT INCORPORATES THE FOUR INDIVIDUAL PRE-INDEPENDENCE US/UK AGREEMENTS COVERING US MILITARY ACTIVITIES IN THE BAHAMAS INTO ONE ALL-ENCOMPASSING FACILITIES AGREEMENT. EXERCISING OPTION A WOULD MAINTAIN THE NUMBER OF INDIVIDUAL FACILITIES IN THE BAHAMAS AT FOUR RATHER THAN INCREASE THE NUMBER TO FIVE AS WOULD BE THE CASE IF OPTION B IS CHOSEN. IT WOULD THUS REDUCE, ALTHOUGH HARDLY ELIMINATE, THE PROSPECT OF AN INCREASE IN THE GCOB LEVERAGE RE QUID DEMAND.

11. OPTION C, I.E., ATTEMPTING TO FINESSE PROBLEM BY TREATING EXUMA SOUND AS PART OF OPERATING RIGHTS AGREEMENT, SEEMS TO EMBASSY UNLIKELY TO WORK IN PRACTICE. THE EXUMA SOUND OPERATION INCLUDES A FIXED BUOY WHICH COULD WELL CLASSIFY IT AS A FIXED INSTALLATION OR FACILITY. ADDITIONALLY, IN VIEW OF PROBLEMS WHICH EMBASSY HAS PREVIOUSLY REPORTED MINISTER ADDERLEY HAS WITH OPERATING RIGHT DRAFT, SUCH A ROUTE WOULD ONLY COMPOUND DIFFICULTIES ADDERLEY AND OTHER GCOB OFFICIALS HAVE WITH THAT DRAFT. IN ANY CASE, ONCE THE ISSUE IS RAISED AS AN ADDITION OF AN "OPERATING RIGHT" IT WILL ALSO RAISE THE GCOB LEVERAGE ON THE QUID.

12. WE DOUBT GCOB HAS AS YET RECOGNIZED THE EXUMA SOUND REQUIREMENT AS ONE WHICH WOULD FALL UNDER ITS JURISDICTION IN EVENT ARCHIPELAGO IS AGREED TO. POINT WILL INEVITABLY ARISE, CONFIDENTIAL

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HOWEVER, IF ARCHIPELAGO IS APPROVED, IN WHICH CASE WE BELIEVE THE GCOB WILL ADD THE EXUMA SOUND OPERATING AREA TO THE TABLED FACILITIES AGREEMENT AS BEING MORE APPROPRIATE THAN INCLUSION IN THE OPERATING RIGHTS DRAFT AGREEMENT. EFFECT, HOWEVER, IN EITHER CASE LIKELY TO BE INCREASED GCOB LEVERAGE ON THE QUESTION OF THE QUID ON THE GROUNDS THAT THIS IS YET ANOTHER ACTIVITY USG WISHES TO CARRY OUT IN AREA FALLING UNDER GCOB JURISDICTION.

13. EMBASSY RECOMMENDS:

(A) DECISION BE REACHED IN WASHINGTON BY APPROPRIATE AGENCIES AS TO ESSENTIALITY OF CONTINUING EXUMA SOUND OPERATION.

(B) IF DECISION TO CONTINUE IS MADE, THAT NO REPEAT NO INITIATIVE SHOULD BE TAKEN AT THIS TIME AND UNTIL LOS/ARCHIPELAGO ISSUE CLARIFIES. HOWEVER, WE SHOULD, ON A CONTINGENT BASIS, CONSIDER WHICH OF OPTIONS CITED PARAGRAPH 9 WE PREFER AND WHEN AS A MATTER OF TACTICS ISSUE SHOULD BE RAISED.

(C) IF, PRIOR TO CLARIFICATION LOS/ARCHIPELAGO ISSUE, GCOB RE-ENGAGES ON FACILITIES/OPERATING RIGHTS, USG SHOULD BE PREPARED TO FACTOR IN EXUMA, IN ORDER OF PREFERENCE, AS (1) PART OF ATEC, (2) AN ADDITIONAL FACILITY OR (3) A SPECIFIC OPERATING RIGHT REQUIREMENT. WE BELIEVE ALL THREE WILL REQUIRE EXPLICIT DISCUSSION WITH GCOB TO AVOID FUTURE MISUNDERSTANDINGS.

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